## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE COLUMBIA DIVISION

)	
)	
)	
)	No. 1:12-0037
)	Chief Judge Haynes
)	
)	
)	
)	
	) ) ) ) ) )

## ORDER

In accordance with the Memorandum filed herewith, the Respondent's motion to dismiss (Docket Entry No. 30) is **GRANTED** and the Petitioner's motion for DNA evidence medical tests in case (Docket Entry No. 39) is **DENIED**. This action is **DISMISSED** with **prejudice** as untimely under 28 U.S.C. § 2244(d)(1). The Court **DECLINES** to issue a Certificate of Appealibility under 28 U.S.C. § 2253(c)..

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the \_\_\_\_\_\_ day of October, 2012.

Chief United States District Judge